

19-003.01 Initial License: The initial license process occurs in two stages. The first stage consists of the applicant's submission of affirmative evidence of the ability to comply with the operational and physical plant standards contained in 175 NAC 19-006 and 175 NAC 19-007. The application is not complete until the Department receives documents specified in 175 NAC 19-003.01.

The second stage consists of the Department's review of the completed application together with an inspection of the mental health center. The Department determines whether the applicant meets the standards contained in 175 NAC 19 and the Health Care Facility Licensure Act.

19-003.01A Applicant Responsibilities An applicant for an initial mental health center license must:

1. Intend to provide shelter, food, and counseling, diagnosis, treatment, care, or related services for a period of more than 24 consecutive hours to persons residing at the facility who have a mental disease, disorder, or disability.
2. Comply with the applicable codes, guidelines, and standards specified in 175 NAC 19-007.
3. Submit a written application to the Department as provided in 175 NAC 19-003.01B
4. Receive approval in writing, from the Department, of schematic and, if new construction, of construction plans; and
5. Notify the Department at least 30 working days prior to planned client occupancy.

19-003.01B Application Requirements: An applicant may construct an application or obtain an application form from the Department. The application must include:

1. Full name of the facility to be licensed, street and mailing address, telephone and facsimile number, if any;
2. The type of facility to be licensed;
3. Name of the administrator;
4. Name and address of the facility owner(s);
5. Ownership type;
6. Mailing address for the owner;
7. The preferred mailing address for receipt of official notices from the Department;
8. List of names and addresses of all persons in control of the facility. The list must include all individual owners, partners, limited liability company members, and members of boards of directors owning or managing operations, and any other persons with financial interests or investments in the facility. In the case of publicly held corporations, only those stockholders who own 5% or more of the company's stock must be listed;
9. The legal name of the individual or business organization (government, corporation, partnership, limited liability company, or other type) to whom the license should be issued and a statement that the individual or organization accepts the legal responsibility for compliance with these regulations;
10. Applicant's social security number if the applicant is an individual; (To ensure social security numbers are not part of public records and are

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used only for administrative purposes, applicants may submit social security numbers in a separate document.)

11. Applicant's federal employer identification number, if not an individual;
12. Number of beds;
13. Signatures of:
 - a. The owner, if the applicant is an individual or partnership;
 - b. Two of its members, if the applicant is a limited liability company;
 - c. Two of its officers, if the applicant is a corporation;
 - d. The head of the governmental unit having jurisdiction over the facility to be licensed, if the applicant is a governmental unit.
14. A copy of the registration as a foreign corporation filed with the Nebraska Secretary of State, if applicant is a foreign corporation;
15. Schematic plans,
16. For new construction, construction plans completed in accordance with The Engineers and Architects Regulation Act, Neb. Rev. Stat. Sections 81-3401 to 81-3455. An applicant may construct a project and/or certification document, or obtain a form from the Department. Construction plans must include the following:
 - a. Project name, description of the project with quantity and floor area information on bed, care, treatment, bathing, toileting, dining, and activity locations, building systems, medical equipment, street address, and contact person;
 - b. Site plan, floor plans, elevations, wall and building sections, construction details, plumbing and electrical diagrams, construction component schedules;
 - c. Complete list of names, titles and telephone numbers of other authorities reviewing or inspecting the construction;
 - d. Upon Department request, additional information that may be required for review, such as structural and mechanical calculations, electrical system calculations, and product and equipment information; and
 - e. Certification, if any, from a licensed architect or engineer that the schematic plans, construction plans, and any revisions thereof meet the requirements of 175 NAC 19-007;
17. Planned occupancy date;
18. Copies of zoning approval from the relevant jurisdiction;
19. Occupancy certificates issued by the State Fire Marshal or delegated authority; and

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20. The required licensure fee specified in 175 NAC 19-004.10.

19-003.01C Department Responsibilities: The Department must:

1. Review the application for completeness;
2. Provide notification to the applicant of any information needed to complete the application;
3. Confirm, either by Department review or by accepting certification from an architect or engineer, that the schematic plans and, if new construction, the construction plans meet the standards of 175 NAC 19-007;
4. Upon receipt of the requested information, conduct an on-site inspection in accordance with 175 NAC 19-005 prior to the issuance of a license; and
5. Issue or deny a license based on the results of the initial inspection.

19-003.01D Denial of License: See 175 NAC 19-008.01 and 19-008.02 for grounds and procedures for the Department's denial of an initial license.